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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,461	01/20/2004	Kang Soo Seo	46500-000123/US	7834
36593 7590 01/29/2010 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
KHAN, ASHER R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,461

**Applicant(s)**

SEO ET AL.

**Examiner**

ASHER KHAN

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/22/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 10/06/2009 have been fully considered but they are not persuasive.

In re page 13, Applicants argue that Ando does not disclose the audio data configured to be reproduced asynchronously and independently from the still picture unit"

In response the examiner respectfully disagrees. Ando discloses the audio data configured to be reproduced asynchronously and independently from the still picture unit (The system has **Brows able** feature of slide show therefore the system reproduces audio which is asynchronous and independent of still picture data because the a user can skip to the next or pervious audio still video at any timing and timing information entry points are all set to zero while audio still video can be presented with audio; 0334-0335).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-11, 26-29, 32-35, 39-42, 46-49 and 53-56 are rejected under 35**

**U.S.C. 103(a) as being anticipated by U.S. Patent Pub. 2002/0164152 A1 to Kato et**

**al. "Kato" in view of U.S. Patent Pub. 2001/0046371 A1 to Ando et al. "Ando" and  
in further view of U.S. Patent Pub. 2001/0056580 A1 to Seo et al. "Seo"**

As to claim 1, 26, 27, 28 and 29, Kato discloses an apparatus for recording a data structure for managing reproduction of at least one still picture on a recording medium, the apparatus comprising:

a pick up configured to record data on the recording medium (Fig. 1, Readout unit 26);

a controller configured to control the pick up (Fig. 1, 26) to record at least one playlist file on the recording medium (Fig. 1, controller 23), the playlist file including at least one playitem (Fig. 7)(0154), at least one sub-playitem (Fig. 7) and mark information (Figs. 43 and 79; 0160; 0188-0190), the playitem indicating an in-point and an out-point of a first clip stream(Fig. 7 shows in point and out point, MAIN PATH; MAIN AV STREAM) file for reproducing presentation data (still picture data of video data), the presentation data being divided into at least one still picture units the presentation data not including audio data (still picture data does not include audio data), the playitem including duration information indicating whether to display the at least one still picture for one of a finite period of time (in\_time and out time, figs. 2 and 3; 0170-0172; in and out times is a finite duration of time), the sub-playitem associated with the playitem and indicating an in-point and an out-point of a second clip stream file for reproducing audio data (Fig. 7), the mark information including at least one mark pointing to the still picture (0152).

Kato does not expressly disclose the at least one still picture unit including a still picture and associated graphic, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously and to display atleast one still

picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time and the audio data configured to be reproduced asynchronously and independently from the still picture unit.

Ando discloses to display atleast one still picture for an infinite period of time, the still picture being configured to be displayed until user input is received if the duration information indicated the infinite period of time (0142; when system is in browsable display mode) and the audio data configured to be reproduced asynchronously and independently from the still picture unit (The system has **Browsable** feature of slide show therefore the system reproduces audio which is asynchronous and independent of still picture data because the a user can skip to the next or pervious audio still video at any timing and timing information entry points are all set to zero while audio still video can be presented with audio; 0334-0335).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Ando. Motivation to combine would have been to allow the system browsable and random features while playing audio and video data, giving a viewer more control over what the viewer desires to watch and how the viewer wants to watch the audio and video data.

Kato, Ando and Seo as modified do not expressly disclose the at least one still picture unit including a still picture and associated graphic, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously (0006).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Ando as modified with the teachings of Seo. Motivation to combine would have been to provide graphic stream to provide viewer interactive contents so that the viewer could communicate with the contents in a desirable fashion.

As to claims 2, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a type indicator indicating that the mark is of a type used for pointing to a still picture (0193-0194).

As to claim 3, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189).

As to claim 4, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claims 6, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claims 7, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark includes a playitem indicator indicating the playitem with which the mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 8, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claim 9, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the atleast one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 10, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks (0298).

As to claim 11, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein, for each mark, the mark information provides a type indicator indicating a type of the at least one mark (0189) (0190) (Fig. 44) (0294) (0298) (Fig. 43).

As to claims 33, 40, 47, 54, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189; 0190; 0294).

As to claims 34, 41, 48, 55, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189; 0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189-0190; 0294).

As to claims 35, 42, 49, 56, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the mark information provides a type indicator indicating a type of the at least one mark (Figs. 43-44; 0189-0190; 0294; 0298).

As to claims 5, 32, 39, 46, and 53, Kato, Ando and Seo as modified disclose everything claimed as applied in claim 1 above. In addition Kato discloses wherein the at least one mark includes a mark type indicator indicating that the at least one mark is of a type that provides a point to skip to (Fig. 43). Kato does not expressly disclose when displaying a slideshow of still pictures. Ando discloses displaying a slideshow of still pictures (0142).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Seo as modified with the teaching of Ando. Motivation would have been to provide a skipping function having a "skip increment" in a slide show to skip between multiple images.

### ***Conclusion***



Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/A. K./  
Examiner, Art Unit 2621